

HON. S. KATE VAUGHAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

AFFORDABLE AERIAL
PHOTOGRAPHY, INC.,

Plaintiff,

vs.

TRANSBLUE, LLC,

Defendant.

NO. 2:20-cv-01626-SKV

**TRANSBLUE LLC'S ANSWER TO
COMPLAINT**

Defendant TRANSBLUE, LLC, by and through its undersigned attorneys, responds to the Complaint and allegations therein as follows:

SUMMARY OF THE ACTION

1. The Complaint states what it states. To the extent there is a factual allegation stated herein, that allegation is denied.

2. Defendant is without information to confirm the veracity of the statements herein and therefore deny the same.

3. Deny. Defendant further alleges that Transblue, LLC is not a facility management company nor does it own or operate the website www.transbluefm.com. Defendant cannot confirm or deny when AAP discovered the photograph at issue in this lawsuit. To the extent there are additional allegations stated herein, those allegations are denied.

4. Admit that AAP makes certain allegations as stated in its Complaint. Deny all remaining allegations herein.

JURISDICTION AND VENUE

5. Admit.

6. Admit.

7. Admit.

8. Admit that venue is proper. Deny all remaining allegations herein.

DEFENDANT

9. Admit that Transblue, LLC is a Nevada limited liability company. Deny all remaining allegations herein.

THE COPYRIGHTED WORK AT ISSUE

10. Defendant cannot confirm the veracity of the statement herein and therefore denies the same.

11. Defendant cannot confirm the veracity of the statement herein and therefore denies the same.

12. The Certificate of Registration states what it states. To the extent there are additional factual allegations, those allegations are denied.

13. This allegation contains a legal conclusion; therefore, no response is required. To the extent an allegation is made herein, that allegation is denied.

14. Defendant cannot confirm the veracity of the statement herein and therefore denies the same.

INFRINGEMENT BY DEFENDANT

15. Admit.

16. Deny.

17. Admit that it never received AAP's permission. Deny all remaining allegations.

18. Deny.

19. Deny.

20. Defendant cannot confirm the veracity of the statement herein and therefore denies the same.

1 21. Deny.

2 22. Admit.

3 23. Admit that the parties have not resolved the matter set forth in this lawsuit. Deny
4 all remaining allegations.

5 24. Deny.

6 25. Admit.

7 **COUNT I**

8 **COPYRIGHT INFRINGEMENT**

9 26. Defendant restates and realleges their responses to paragraphs 1 through 25 as
10 though fully set forth herein.

11 27. This is a legal conclusion. Accordingly, no response is required. To the extent
12 there is a factual allegation herein, that allegation is denied.

13 28. Defendant cannot confirm the veracity of the statement herein and therefore denies
14 the same.

15 29. Deny.

16 30. Deny.

17 31. Deny.

18 32. Deny.

19 33. Deny.

20 **COUNT II**

21 **REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION**

22 34. Defendant restates and re-alleges their responses to paragraphs 1 through 33 as
23 though fully set forth herein.

24 35. Defendant cannot confirm the veracity of the statement herein and therefore denies
25 the same.

26 36. Deny.

27 37. Deny.

38. Deny.

39. Deny.

40. Deny.

PRAYER FOR RELIEF

Defendant denies that AAP is entitled to any of the relief requested.

JURY DEMAND

Defendant demands a trial by jury on all issues so triable.

AFFIRMATIVE DEFENSES

Transblue asserts the following defenses in response to the allegation in the Complaint. Transblue expressly reserves the right to assert any other defenses that may now exist, or in the future, may be available based on further factual investigation in this case.

1. Failure to state a claim upon which relief can be granted.
2. Failure to name the real party in interest.
3. This claim may be barred by the statute of limitations.
4. The copyright, on its face, is not proper and therefore does not cover the claim here.

Dated July 16, 2021.

Respectfully submitted,
SEED IP LAW GROUP LLP

s/ E. Russell Tarleton
E. Russell Tarleton, WSBA No. 17006
701 Fifth Avenue, Suite 5400
Seattle, WA 98104
Telephone: (206) 622-4900
Facsimile: (206) 682-6031
Email: RussT@seedip.com

*Attorneys for Defendant
Transblue, LLC*